

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr295

UNITED STATES OF AMERICA)
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vs.) ORDER
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ROBERT LEE PRESSON)
)

THIS MATTER is before the Court upon motion of the Defendant for review of detention. (Doc. No. 25). For the reasons stated below, the Court DENIES the motion.

The Defendant pleaded guilty to Count One of the indictment on November, 15 2005, charging a violation of 18 U.S.C. § 922(g)(1). (Doc. No. 22: Plea Agreement; Doc. No. 24: Acceptance and Entry of Guilty Plea). Pursuant to 18 U.S.C. § 3145(b), the Defendant now seeks review of the magistrate judge's detention order entered November, 15 2005 (Doc. No. 4). The entry of a plea triggers review under 18 U.S.C. § 3143.

Upon review of the record, even in a light most favorable to the Defendant, the Court finds the circumstances alleged by the Defendant are insufficient for this Court to alter the Order of Detention or conduct a hearing. Specifically, the Court finds that the crime of possession of a weapon as a convicted felon qualifies as a "crime of violence," as that term is defined by the Bail Reform Act of 1984. See 18 U.S.C. §§ 3142(f), 3156(a)(4); see also United

States v. Dillard, 214 F.3d 88 2nd Cir. 2000), United States v. Powers, 318 F.Supp.2d 339 (W.D.Va. April 16, 2004). And the Defendant has not proved that he meets the conditions for release pending sentencing detailed in § 3143(a)(2).

THEREFORE, IT IS HEREBY ORDERED that the Defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the Defendant, counsel for the Defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: December 2, 2005

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

